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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MASARU MIZUTANI DOCKET: 6116.61001
SERIAL NO.: 09/933,517 EXAMINER: MAYO, TARA
FILED: 08/20/2001 ART UNIT: 3671
TITLE: POOL ON THE SEA USING DEEP-SEA WATER AND ITS SURROUNDING
FACILITIES

Box 16
Commissioner of Patents
and Trademarks
Washington, DC 20231

Antonio R. Durando
Durando Birdwell & Janke, PLC
2929 E. Broadway Blvd.
Tucson, AZ 85716

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of September, 2002, this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Box 16, Commissioner of Patents and Trademarks, Washington, D. C. 20231.

By *Alice Vanicek*
Alice Vanicek

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

PETITION FOR REFUND OF EXCESS FEES

Dear Sir:

This is a request for a refund of the ~~\$162~~ extra claims fee submitted with the Preliminary Amendment received in the U.S. Patent and Trademark Office on January 28, 2002 in view of the \$144 extra claims fee charged to our Deposit Account 02-2451 upon the filing of an amendment on June 27, 2002 in response to the Office Action of March 27, 2002. Support for this request is as follows:

The application was filed containing seven (7) independent claims for a filing fee of \$515.00. The Preliminary Amendment filed January 28, 2002 cancelled claims 1-7 and added new claims for a total of 38 claims, five of which were independent claims, and included a check for an extra claims fee of \$162.00 (18x\$9). (Attached is a copy of our cancelled check number 1726.) The Office Action dated March 27, 2002 indicated that the Preliminary Amendment was not entered because the instructions for entry were not clear. Consequently, the Amendment and Response filed in the U.S. Patent and Trademark Office on June 27, 2002 cancelled the independent claims 1-7 as filed and added 36 new claims. Since we had previously paid for 38 total claims and seven independent claims, and the pending claims now numbered 36 total claims with five independent claims, no extra claims fee was deemed required. However, a debit of \$144.00 (16 claims x \$9.00) was made to our Deposit Account No. 02-2451.

Therefore, as evidenced by the copy of the canceled check enclosed herewith, an extra claims fee of \$162.00 was paid by the applicant and deposited by the PTO before the \$144.00 was debited to our Deposit Account. In view of the foregoing, we respectfully request a refund of the \$162.00 fee. Please credit our Deposit Account No. 02-2451 for the amount.

DURANDO, BIRDWELL & JANKE, P.L.C.
2929 EAST BROADWAY BLVD
TUCSON, AZ 85716
PH. (520) 881-9442

1726

91-527/1221

12-4-2001

PAY TO THE
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TUCSON, AZ 85719

MASAFU MIZUTANI 6116.61001

FOR 09/933,517 Extra claims

[Signature]

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